| | Application No. | Applicant(s) | |
|---|---|---|---|
| **Notice of Allowability** | 09/589,627 | GURNEY, HOWARD | |
| | Examiner | Art Unit | |
| | Toan D. Nguyen | 2665 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--*

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *11/16/05*.

2. ☒ The allowed claim(s) is/are *1, 3-7, 11-19, 21-22, 24-26, 28-31, 34-42 are renumbered 1-33, respectively*.

3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☒ All   b) ☐ Some*   c) ☐ None  of the:

       1. ☒ Certified copies of the priority documents have been received.

       2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

       3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

    * Certified copies not received: _____ .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.

    (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached

       1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____ .

    (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____ .

    **Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)

6. ☒ Interview Summary (PTO-413), Paper No./Mail Date *11/16/05* .

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____ .

## DETAILED ACTION

### *Examiner Amendment*

1.      An examiner's amendment to the record appears below. Should the changes

and/or additions be unacceptable to applicant, an amendment may be filed as provided

by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be

submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview

with Mr. Timothy L. Boller on November 16, 2005.

**IN THE CLAIMS:**

In claim 1 line 2, the limitation "each packet including information identifying a

beginning of the packet" has been replaced by --- information identifying a packet

beginning being included in each such packet ---.

In claim 1 line 4, the limitation "the beginning of each packet" has been replaced

by --- the packet beginning of each such packet ---.

In claim 1 line 14, the limitation "portions of data" has been replaced by --- said

selected portions of data ---.

In claim 1 line 15, the limitation "between the portions of data" has been replaced

by --- between said selected portions of data ---.

In claim 1 line 16, the limitation "the output of those selected portions of data,

said portions of data" has been replaced --- the output of those said selected portions of

data, said selected portions of data ---.

In claim 1 line 17, the limitation "the data packets" has been replaced --- the plurality of packets ---.

In claim 1 line 17, the limitation "identifying the beginning of each packet" has been replaced --- identifying the packet beginning of each such packet ---.

In claim 1 line 18, the limitation "the selected data" has been replaced --- the selected portions of data ---.

In claim 5 line 2, the limitation "a packet" has been replaced by --- each such packet ---.

In claim 16 line 2, the limitation "each packet including information identifying a beginning of the packet" has been replaced by --- information identifying a packet beginning being included in each such packet ---.

In claim 16 line 4, the limitation "the beginning of each packet" has been replaced by --- the packet beginning of each such packet ---.

In claim 16 line 14, the limitation "portions of data" has been replaced by --- said selected portions of data ---.

In claim 16 line 15, the limitation "between the portions of data" has been replaced by --- between said selected portions of data ---.

In claim 16 line 16, the limitation "the output of those selected portions of data, said portions of data" has been replaced --- the output of those said selected portions of data, said selected portions of data ---.

In claim 16 line 17, the limitation "the data packets" has been replaced --- the plurality of packets ---.

In claim 16 line 17, the limitation "identifying the beginning of each packet" has been replaced --- identifying the packet beginning of each such packet ---.

In claim 16 line 18, the limitation "the selected data" has been replaced --- said selected portions of data ---.

In claim 17 line 3, the limitation "each packet including information identifying a beginning of the packet" has been replaced by --- information identifying a packet beginning being included in each such packet ---.

In claim 17 line 5, the limitation "the beginning of a packet" has been replaced by --- the packet beginning of a packet ---.

In claim 17 line 12, the limitation "identified beginning of the packet" has been replaced by --- identified packet beginning of the packet ---.

In claim 17 line 14, the limitation "between portions of data" has been replaced by --- between said selected portions of data ---

In claim 17 line 16, the limitation "between the portions of data" has been replaced by --- between said selected portions of data ---

In claim 17 line 16, the limitation "the output of those selected portions of data, said plurality of portions of data occurring within the data packet." has been replaced --- the output of said selected portions of data, said first and second pluralities of portions of data occurring within the packet in the plurality of packets. ---.

In claim 22 line 2, the limitation "each packet including information identifying a beginning of the packet" has been replaced by --- information identifying a packet beginning being included in each such packet ---.

In claim 22 line 4, the limitation "the beginning of each packet" has been replaced by --- the packet beginning of each such packet ---.

In claim 22 line 12, the limitation "between portions of data" has been replaced by --- between said second plurality of portions of data ---.

In claim 22 line 13, the limitation "portions of data " has been replaced by --- said second plurality of portions of data ---.

In claim 26 line 2, the limitation "each packet including information identifying a beginning of the packet" has been replaced by --- information identifying a packet beginning being included in each such packet ---.

In claim 26 line 6, the limitation "the beginning of the packet" has been replaced by --- the packet beginning of said packets ---.

In claim 30 line 2, the limitation "the packet" has been replaced by --- such packet ---.

In claim 30 line 6, the limitation "the beginnings of the data packets" has been replaced by --- the beginnings of the packets in the plurality of packets ---.

In claim 30 line 11, the limitation "a fixed latency between portions of data in the received data stream and in the second output stream." has been replaced by --- a fixed latency between said second plurality of portions of data in the received data stream and said second plurality of portions of data in the second output stream. ---.

In claim 35 line 2, the limitation "said plurality of data packets" has been replaced by --- said plurality of packets ---.

In claim 36 line 2, the limitation "a packet" has been replaced by --- each packet ---.

In claim 40 line 13, the limitation "maintain relative timing between portions of data in the received stream of data and in the alternative output stream." Has been replaced by --- maintain a fixed latency between said second plurality of portions of data in the received stream of data and said second plurality of portion of data in the alternative output stream. ---.

## *Allowable Subject Matter*

2.      The following is an examiner's statement of reasons for allowance:

Regarding to claims 1 and 16, the prior art fails to teach a combination of the steps of:

second output means for outputting said alternative output stream, wherein the relative timing between said selected portions of data in the received stream of data and in the alternative output stream is maintained so that a fixed latency is provided between said selected portions of data in the received stream of data and the output of those said selected portions of data, said selected portions of data received by the device occurring within the plurality of packets, and said means for identifying the packet beginning of each such packet has an output for controlling the timing of the output of the selected portions of data by said second output means, in the specific combination as recited in the claims.

Regarding to claim 17, the prior art fails to teach a combination of the steps of:

outputting the alternative output stream, wherein the relative timing between said selected portions of data in the received stream of data and in the alternative output stream is maintained so that a fixed latency is provided between said selected portions of data in the received stream of data and the output of those said selected portions of data, said first and second pluralities of portions of data occurring within the packet in the plurality of packets, in the specific combination as recited in the claim.

Regarding to claim 22, the prior art fails to teach a combination of the steps of:

timing control circuitry configured to receive the timing control signal and maintain a fixed latency between said second plurality of portions of data in the received data stream and said second plurality of portions of data in the second output stream, wherein the timing control circuitry comprises a state machine, in the specific combination as recited in the claim.

Regarding to claim 26, the prior art fails to teach a combination of the steps of:

timing control circuitry coupled to the output of the identifying circuitry and the second output circuitry and configured to maintain a fixed latency between the received data stream and the second output stream, wherein the timing control circuitry comprises a state machine, in the specific combination as recited in the claim.

Regarding to claim 30, the prior art fails to teach a combination of the steps of:

a timing controller coupled to the output interface and the input interface for maintaining a fixed latency between said second plurality of portions of data in the received data stream and said second plurality of portions of data in the second output stream, in the specific combination as recited in the claim.

Regarding to claim 40, the prior art fails to teach a combination of the steps of:

a state machine coupled to the means for identifying data packets and the means for storing the second plurality of portions of data, and configured to output the alternative output stream so as to maintain a fixed latency between said second plurality of portions of data in the received stream of data and said second plurality of portions of data in the alternative output stream, in the specific combination as recited in the claim.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."
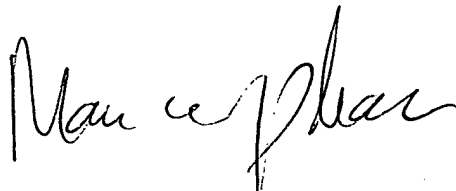
3.      Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan D. Nguyen whose telephone number is 571-272-3153. The examiner can normally be reached on M-F (7:00AM-4:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).
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MAN U. PHAN
PRIMARY EXAMINER